

REMARKS

DRAWINGS

Applicant has noticed that the Examiner has not indicated in the Office Action Summary (PTOL-326) whether the submitted drawings have been accepted. The Applicant respectfully requests the Examiner to indicate whether the drawings submitted on the filing date of the present Application were accepted or objected to by the Examiner.

BRIEF SUMMARY OF THE INVENTION

Applicant respectfully submits that the amendment to the Brief Summary of the Invention, does not add any new matter, since the amendment was performed to correct a number of formatting and/or typographical errors.

DETAILED DESCRIPTION OF THE INVENTION

Applicant respectfully submits that the amendment to the Detailed Description of the Invention, does not add any new matter, since the amendment was performed to correct a number of formatting and/or typographical errors.

CLAIMS

ALLOWED CLAIMS

Applicant gratefully acknowledges the allowance of Claims 37-46 and 48-51. The Applicant thanks the Examiner for the allowance of these claims.

OBJECTED CLAIMS

Claims 6, 8, 11, 13, 16, 18-25 and 27-36 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Applicant gratefully acknowledges the indication by the Examiner regarding the patentable subject matter of Claims 6, 8, 11, 13, 16, 18-25 and 27-36. The Applicant has rewritten Claims 6, 8, 11, 13, 16, 18-25 and 27-36 in independent form to include all of the elements of the rejected base claim and any intervening claims. These claims are presented as new Claims 66-88. Applicant respectfully submits that Claims 66-88 are in condition for allowance.

REJECTION OF CLAIMS 1-5, 7, 9, 10, 12, 14, 15, 17, 26 and 52-54 UNDER 35 U.S.C. § 102(b)

Claims 1-5, 7, 9, 10, 12, 14, 15, 17, 26 and 52-54 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,381,266 ("Zhang"). Regarding Claim 1, the Office Action states:

Zhang discloses a method for identifying the encoding type of a central office codec. Zhang's method includes the following:

- reading at least one word from said voice data stream (Fig. 5, items 500 and 502, col. Abstract, levels are transmitted);
- generating at least one parameter using said at least one word (Fig. 5, items 502, 504, ..., 512 calculating a difference); and
- identifying, based on said at least one parameter, a type of encoding used in generating said voice data stream (Fig. 5, items 518, 520).

See Office Action at page 2.

Applicant has made a clarifying amendment with respect to independent Claim 1. Applicant respectfully submits that Zhang's method discloses obtaining a set of transmit levels *procured in response* to an encoding scheme utilized by a codec, e.g., central office codec (please see Col. 6, lines 41-44, in reference to Figure 5). In contrast, the Applicant respectfully submits that Claim 1 recites "generating at least one parameter using at least one word of a voice data stream; and identifying, based on said at least one parameter, a type of encoding used in generating said voice data stream." The Applicant does not find any disclosure in Zhang about "generating at least one parameter using at least one word." Nor does Zhang disclose anything related to "using at least one *word* of a voice data stream," as recited in the first clause of Claim 1. The Applicant respectfully submits that for at least these reasons, Claim 1 contains patentable subject matter. Consequently, the Applicant respectfully requests allowance of this claim.

With respect to Claim 2, the Applicant respectfully submits that Zhang does not disclose "said type of encoding comprises *linear G.711*," as recited in Claim 2. For this reason alone, the Applicant respectfully submits that Claim 2 contains patentable subject matter and should be allowed. The Applicant respectfully submits that Zhang does not teach each and every element and/or features of what is recited in Claim 2.

Because of the foregoing arguments made with respect to independent Claim 1, Applicant has not commented on all of the dependent claims, but reserve the right to do so in any future response, should the need arise. Since Claims 2-5, 7, 9, 10, 12, 14, 15, 17, 26 depend on an allowable Claim 1, the Applicant respectfully submits that Claims 2-5, 7, 9, 10, 12, 14, 15, 17, and 26 are in condition for allowance.

Regarding Claim 52, the Office Action states:

Zhang discloses a method for identifying the encoding type of a central office codec. Zhang's method includes the following:

- a processor (Fig. 4, item 410);
- a storage device (Fig. 4, items 412);
- a set of computer instructions residing in said storage device, said set of computer instructions, when executed by said processor, identifying a type of encoding used in generating said voice data stream (abstract, technique for identifying encoding law; computer instructions inherent for running on the processor).

See Office Action at page 5.

Applicant has made a clarifying amendment with respect to independent Claim 52. The Applicant respectfully submits that Zhang does not teach what is recited in Claim 52. For example, Zhang does not teach “a set of computer instructions residing in said storage device, said set of computer instructions, when executed by said processor, identifying said type of encoding used in generating said voice data stream, said identifying based on generating a histogram using one or more words of said voice data stream,” as recited in Claim 52.

The Applicant respectfully submits that because of the foregoing reasons, Claims 1 and 52 contain patentable subject matter and should be allowed. As a result of providing the foregoing arguments with respect to independent Claims 1 and 52, the Applicant has not commented on all the remarks made by the Examiner regarding dependent Claims 2-5, 7, 9, 10, 12, 14, 15, 17, 26 and 53-54 but reserve the right to do so in the future should the need arise. Since Claims 2-5, 7, 9, 10, 12, 14, 15, 17, 26 and 53-54 depend on allowable Claims 1 and 52, respectively, the Applicant respectfully submits that Claims 2-5, 7, 9, 10, 12, 14, 15, 17, 26 and

53-54 are in condition for allowance. The Applicant respectfully requests that Claims 1-5, 7, 9, 10, 12, 14, 15, 17, 26 and 52-54 be passed to issue.

REJECTION OF CLAIMS 55-56 UNDER 35 U.S.C. § 103(a)

Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang in view of well known prior art (MPEP 2144.03). The Applicant respectfully traverses the Official Notices with respect to dependent Claims 55 and 56. The Applicant respectfully requests the Examiner provide documentary evidence to support these Official Notices. Otherwise, if the Official Notices are based on the Examiner's personal knowledge, the Applicant requests the Examiner to provide an affidavit in support of each of the Official Notices. The Applicant has not commented on the remarks made by the Examiner with respect to Claims 55 and 56 because of the foregoing arguments Applicant has made with respect to the allowability of independent Claim 52; however, the Applicant reserves the right to do so in any future response, should the need arise. Since Claims 55-56 depend on an allowable independent Claim 52, the Applicant respectfully submits that Claims 55-56 are allowable as well.

NEW CLAIMS 57-88

New Claims 57-65 have been added because the Applicant believes that these claims contain patentable subject matter. With respect to new Claims 66-88, the Applicant has rewritten Claims 6, 8, 11, 13, 16, 18-25 and 27-36 in independent form to include all of the elements of the rejected base claim and any intervening claims. Applicant respectfully submits that new Claims 57-88 are in condition for allowance.

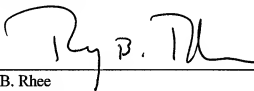
CONCLUSION

Again, Applicant thanks the Examiner for the allowance of Claims 37-46 and 48-51. Further, Applicant gratefully acknowledges the indication that Claims 6, 8, 11, 13, 16, 18-25 and 27-36 contain patentable subject matter. Based on at least the foregoing remarks, the Applicant believes that Claims 1-88 contain patentable subject matter. As a consequence, a Notice of Allowance for Claims 1-88 is courteously solicited. Should anything remain in order to place the present application in condition for allowance, or should the Examiner disagree or have any question regarding this submission, the Examiner is kindly invited to contact the undersigned at (312) 775-8246.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Dated: June 12, 2007

Respectfully submitted,



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